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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/997,000 | 11/30/2001 | John Pragelas | 118203/00014 | 5188 |
| 7590 | 11/17/2004 | | EXAMINER | |
| Accu-Star Systems Inc. Suite 400 75 Port Royal St. East Montreal, QC H3L 3T1 CANADA | | | AUGUSTIN, EVENS J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3621 | |
| DATE MAILED: 11/17/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|------------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/997,000 | PRAGELAS ET AL. <i>SD</i> |
| | Examiner | Art Unit |
| Evens Augustin | 3621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11/30/2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Status of Claims

1. Claims 1-39 have been examined.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C 119(a) – (d) of a previously filed foreign application. The certified copies have been filed in parent application No. 2327210 filed on 12/01/00.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-13 and 15-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Caci (U.S 6,154,658).

As per claims 1-4, 6-13, 15-25 and 29-39, Caci discloses a system and method for automating transactions that can control the routing of delivery vehicle monitor the conditions of the transport vehicle and verify the delivery of goods (column 2, lines 42-46). The system employs a control center computer to communicate data to the field (column 6, lines 55-56) via an Internet Protocol network (column 20, Line 42). The system also consists of in-vehicle data terminals to communicate with the central

computer (column 22, line 38). The system, as described by Caci, can perform the following functions:

- Collects “pick up data” or sending information (column 3, lines 4-9)
- Collects “delivery data” or receiving information (column 3, lines 14-19)
- Collects data regarding the transport vehicle and its operator (shipping party) (column 2, lines 49-53)
- Collects data regarding the identity of delivery party (proof of delivery) (column 19, lines 62-64)
- Collects proof of delivery data (column 24, lines 8-12) via a portable hand held device to input off-loading information (column 24, lines 19-25). The input may include digitized handwritten signatures, which may be stored (as codes) for other transaction related purposes (column 23, lines 28-31)
- Uses an Internet Protocol network to communicate to all network computers (column 20, lines 40-56). The system uses the network to communicate routing information such as route layout, bill of lading and a list of transactions to be accomplished (column 5, lines 2-6).
- Uses GPS to locate the whereabouts of the transport vehicle (column 25, lines 1-9)
- Central server (computer) can be accessed via Internet Protocol Network by different stakeholders such as customers and transport managers (column 20, lines 40-56)
- Monitors the progress of the transport of goods and make available billing information via its Internet Protocol Network

- In-vehicle system uses radio link (column 3, line 24) and internet protocol (column 5, lines 11-12)
- Presents information regarding the location of the vehicle (column 20, lines 37-39)
- Can create bill of lading (column 5, lines 2-6)
- Collects proof of delivery information (column 24, lines 8-12, column 19, lines 62-65)
- Delivery data is processed for billing purposes (obtaining payments) (column 3, line 20)
- The system uses an Internet protocol to share information relating to location of vehicle, status of collection pick up and receipt (column 20, lines 40-56)
- Continuously measures and reports location of vehicle (column 21, lines 35-39)
- Customers and transport managers can access the system for status of delivery i.e., time of arrival (column 20, line 50-51)

As per claims 26-28, Caci discloses a system and method for automating transactions that can control the routing of delivery vehicle monitor the conditions of the transport vehicle and verify the delivery of goods (column 2, lines 42-46). The system, as described by Caci, can perform the following functions:

- Uses an Internet Protocol network to communicate data to all network computers (column 20, lines 40-56). The system uses the network to communicate routing

information such as route layout, bill of lading and a list of transactions to be accomplished (column 5, lines 2-6).

- Provides transaction listing and route planning info to the shipper (storage facility) (column 19, lines 47-50), and vehicle operator/carrier (column 19, lines 42-46). Such data is collected throughout the course of the transaction (figure 9, block 920). The system also collects delivery-specific information such as the identity of the delivery party and the amount of goods delivered (column 19, lines 62-65). Since the system uses an Internet Protocol network to communicate data to all network computers, the data can be accessed by all network computers.
- Uses GPS to locate and describe the whereabouts of the transport vehicle (column 25, lines 1-9)
- Presents information regarding the location of the vehicle (column 20, lines 37-39)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caci (U.S 6,154,658), in view of Wong (U.S 6,115,690).

The system, as described by Caci, can perform the following functions:

- Collects “pick up data” or sending information (column 3, lines 4-9)
- Collects “delivery data” or receiving information (column 3, lines 14-19)
- Collects data regarding the transport vehicle and its operator (shipping party) (column 2, lines 49-53)
- Collects data regarding the identity of delivery party (proof of delivery) (column 19, lines 62-64)
- Collects proof of delivery data (column 24, lines 8-12) via a portable hand held device to input off-loading information (column 24, lines 18-20). The input may include digitized handwritten signatures, which may be stored (as codes) for other transaction related purposes (column 23, lines 28-31)
- Uses an Internet Protocol network to communicate to all network computers (column 20, lines 40-56). The system uses the network to communicate routing information such as route layout, bill of lading and a list of transactions to be accomplished (column 5, lines 2-6).

Caci did not explicitly describe a method/system that uses a Web interface to provide information. However, Wong describes a system that uses a Web interface to automate business transactions. The system uses a web-enabled, client/server relational database management system for storing product related data such as tangible goods, financial products, subscriptions, and anything that may be bought and sold in a discrete transaction (column 12, lines 55-65). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant’s invention to construct a system that would utilize a web-interface system to display information. It would have been obvious

to one of ordinary skill in the art at the time of the applicant's invention to implement a web-interface system in order to provide a new level of user-friendliness, a much more intuitive than traditional graphical user interfaces, a reduced installation and running costs due to deployment via the internet and a relatively fast implementation.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kabada et al. (US 6285916)
- Stephenson et al. (US 6094642)
- Brigida et al. (US 5313051)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 703-305-0267. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammel can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 305 – 5532 (for formal communications intended for entry and after-final communications), or (703) 746-5532 (for informal

or draft communications, please label "PROPOSED" or
"DRAFT")

Any inquiry of a general nature or relating to the status of this application should
be directed to the Group receptionist whose telephone number is (703) 308-1113.

Evens J. Augustin
October 28, 2004
Art Unit 3621



A handwritten signature in black ink, appearing to read "Evens J. Augustin". Below the signature, the word "SUPERVISOR" is printed in capital letters, followed by some illegible handwritten text.

Notice of References Cited

 Application/Control No.
 09/997,000

 Applicant(s)/Patent Under
 Reexamination
 PRAGELAS ET AL.

 Examiner
 Evens Augustin

 Art Unit
 3621

Page 1 of 1

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|------------------------|----------------|
| | A | US-5,313,051 | 05-1994 | Brigida et al. | 235/375 |
| | B | US-5,767,804 | 06-1998 | Murphy, Michael D. | 342/357.09 |
| | C | US-5,786,748 | 07-1998 | Nikolic et al. | 340/7.29 |
| | D | US-5,798,693 | 08-1998 | Engellenner, Thomas J. | 340/10.33 |
| | E | US-5,959,568 | 09-1999 | Woolley, Louis A. | 342/42 |
| | F | US-6,088,648 | 07-2000 | Shah et al. | 701/117 |
| | G | US-6,094,642 | 07-2000 | Stephenson et al. | 705/28 |
| | H | US-6,154,658 | 11-2000 | Caci, Joseph Claude | 455/466 |
| | I | US-6,211,781 | 04-2001 | McDonald, Glenn | 340/505 |
| | J | US-6,285,916 | 09-2001 | Kadaba et al. | 700/222 |
| | K | US-6,363,320 | 03-2002 | Chou, Yue-Hong | 701/207 |
| | L | US-6,115,690 | 09-2000 | Wong, Charles | 705/7 |
| | M | US- | | | |

FOREIGN PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | Classification |
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NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.